

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

THE PHOENIX INSURANCE :  
COMPANY, As Subrogee of  
BROWN MEDICAL ASSOCIATES, P.C. :

Plaintiff, :  
v. : CIVIL ACTION  
GARRY DAVIS and : FILE NO.: \_\_\_\_\_  
CITY OF ATLANTA,  
Defendants, :

**COMPLAINT FOR DAMAGES**

COMES NOW the Plaintiff, THE PHOENIX INSURANCE COMPANY, as  
subrogee of Brown Medical Associates, P.C., and files this Complaint against the  
Defendants, and shows the Court as follows:

1.

Plaintiff, The Phoenix Insurance Company is a corporation with its office  
and principal place of business located in a state other than Georgia. It is  
licensed to do business in the State of Georgia.

2.

Plaintiff's subrogor, Brown Medical Associates, P.C., is authorized to do  
business in the State of Georgia, and operates it's medical business located at  
1123 R.D. Abernathy Boulevard, Atlanta, Georgia 30310.

3.

Defendant, Garry Davis, is an adult individual who may be served with process at his last known address as 4289 Rosewood Grove, Decatur, Georgia 30034.

4.

Defendant, City of Atlanta, is a municipal corporation authorized to do business in the State of Georgia. It may be served with process through the City of Atlanta Department of Law located at 68 Mitchell Street, S.W., Atlanta, Georgia 30303.

5.

Pursuant to 28 USC§ 1332, diversity is proper in that the Plaintiff is seeking damages exceeding \$75,000 and the Plaintiff and Defendants are citizens of different States.

6.

On or about December 7, 2011, a City of Atlanta police cruiser driven by Officer J. Uhler was responding to a burglary call and was traveling in the vicinity of Brown Medical Associates located at 1123 R.D. Abernathy Boulevard, Atlanta, Georgia 30310.

7.

On or about December 7, 2011, Defendant, Garry Davis, was also traveling in the vicinity of Brown Medical Associates located at 1123 R.D. Abernathy Boulevard, Atlanta, Georgia 30310.

the demands were not paid timely, copies of which are attached hereto as Exhibit "A".

12.

The Phoenix Insurance Company made payments to and on behalf of Plaintiff in the amount of not less than \$108,740.95, and is entitled to pursue recovery against the Defendants.

13.

Notice is hereby given that Plaintiff demands the sum of \$108,740.95 and that if this demand is not paid timely, and in the event that judgment is entered against the Defendants in this amount or greater, Plaintiff will seek prejudgment interest on the full amount demanded against each Defendant, at the rate of prime plus 3% per annum, being calculated on the 30<sup>th</sup> day following receipt of the demand letter, all in accordance with O.C.G.A. § 51-12-14.

WHEREFORE, Plaintiff demands judgment against the Defendants, GARRY DAVIS and CITY OF ATLANTA, in the amount of \$108,740.95, plus all costs of this action, plus all interest allowed by law, and demands such other and further relief as the Court may deem necessary and just under the circumstances.

This 30<sup>th</sup> day of April, 2013.

Respectfully submitted,  
DODSON & ASSOCIATES

Robin Golivesky  
ROBIN A. GOLIVESKY  
Ga. State Bar No. 300512  
Attorney for Plaintiff

w/ consent

Adri Birk  
GA Bar #83133

Caller Service No. 1808  
Alpharetta, Georgia 30023-1808  
(678)317-7121  
(678)317-8915 (fax)